

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Matthieu Massengil, 1277 South East Street, Amherst, MA

Owner: Arkady and Inna Agron, Trustees of the Agron Family Trust
290 174th Street, Apt 2107, Sunny Isles, FL 33160

Date application filed with the Town Clerk: November 19, 2013

Nature of request: To appeal the November 1, 2013 determination of the Building Commissioner that no violations of the Zoning Bylaw relative to a business use accessory to a single family dwelling exist at 1261 South East Street and to request the Zoning Board of Appeals to order a cease and desist of operation of a landscaping business, etc, and impose penalties and fines; or compel an application for a special permit under Section 5.013

Address: 1261 South East Street (Map 23B, Parcel 71, R-O Zoning District)

Legal notice: Published on November 27, 2013 and December 4, 2013 in the Daily Hampshire Gazette and sent to abutters on November 26, 2013

Board members: Eric Beal, Mark Parent, Keith Langsdale

Staff members: Jeff Bagg, Senior Planner

Submissions:

- Project Application Report, dated December 6, 2013
- Application, filed with Town Clerk on , 2013
- Petitioner's "nature of request" and list of exhibits
- Exhibit A – deed
- Exhibit B – Business Certificate
- Exhibit C – Google search
- Exhibit D – 1999 Town GIS map
- Exhibit E – 2009 Town GIS map
- Exhibit F – Google maps
- Exhibit G – Trailer photo, May 20, 2013
- Exhibit H – Trailer photo, October 29, 2013
- Exhibit I – Trailer photo, November 8, 2013
- Exhibit J – Workers dumping, November 11, 2013
- Exhibit K – Building Commissioner determination, November 1, 2013
- Exhibit L – Code Enforcement Officer emails, April 25, 2013
- Exhibit M – Building Commissioner email, May 15, 2013
- Code Enforcement Officer letter, April 26, 2013
- Enforcement timeline

Public Hearing: December 12, 2013

The applicant, Matthew Massengill, requested that the Board accept a request to withdraw the petition for appeal without prejudice.

Zoning Board Decision

Mr. Beal MOVED to accept the request to withdraw the petition without prejudice. Mr. Parent seconded the motion and the Board VOTED unanimously to accept the withdrawal of the petition.

Eric Beal
ERIC BEAL

Mark Parent
MARK PARENT

Keith Langsdale
KEITH LANGSDALE

FILED THIS 7th day of March, 2014 at 2:43 pm,
in the office of the Amherst Town Clerk Sandra J. Burger
TWENTY-DAY APPEAL period expires, March 27, 2014.
NOTICE OF DECISION mailed this 10 day of March, 2014
to the attached list of addresses by Jeffrey R. Baig, for the Board.
COPY OF NO APPEAL issued this 11 day of March, 2014.
NOTICE OF PERMIT or Variance filed this 11 day of March, 2014,
in the Hampshire County Registry of Deeds.

BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED

Petition of Matthieu Massengil

For To appeal the November 1, 2013 determination of the Building Commissioner that no violations of the Zoning Bylaw relative to a business use accessory to a single family dwelling exist at 1261 South East Street and to request the Zoning Board of Appeals to order a cease and desist of operation of a landscaping business, etc, and impose penalties and fines; or compel an application for a special permit under Section 5.013

On the premises of 1261 South East Street
At or on Map 23B, Parcel 71, R-O Zoning District

NOTICE of hearing as follows mailed (date) November 26, 2013
to attached list of addresses and published in the Daily Hampshire Gazette
dated November 27, 2013 and December 4, 2013

Hearing date and place December 12, 2013 (Bangs Center)

LEGAL NOTICE
The Amherst Zoning Board of Appeals will meet on *Thursday, December 12, 2013*, at 6:30 P.M. in the Lower Level Meeting Room, Bangs Center, to conduct the following business:
PUBLIC HEARING:
ZBA FY2014-00011
-Matthieu Massengil- To appeal the November 1, 2013 determination of the Building Commissioner that no violations of the Zoning Bylaw relative to a business use accessory to a single family dwelling exist at 1261 South East Street (Map 23B, Parcel 71, R-O Zoning District) and to request the Zoning Board of Appeals to order a cease and desist of operation of a landscaping business, etc, and impose penalties and fines; or compel an application for a special permit under Section 5.013.
ERIC BEAL, CHAIR
AMHERST ZONING BOARD OF APPEALS
3278956

SITTING BOARD and VOTE TAKE ..

To accept the withdrawal of the petition.

Eric Beal – Yes Mark Parent – Yes Keith Langsdale – Yes

DECISION: APPROVED with conditions as stated in permit

Town of Amherst Abutter List

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/Zip</i>
23B-75	190 MIDDLE ST	CAMERA, JAN M & SAMANTHA E		190 MIDDLE ST	AMHERST, MA 01002
23B-36	220 MIDDLE ST	NOLAN, GERARDE		220 MIDDLE ST	AMHERST, MA 01002
23D-7	228 MIDDLE ST	HUGO, MORGAN S		228 MIDDLE ST	AMHERST, MA 01002
23B-58	416 POTWINE LN	BANNISTER, RICHARD	BANNISTER, JUDITH	416 POTWINE LN	AMHERST, MA 01002
23B-23	424 POTWINE LN	KRIECKHAUS, EDWARD E		58 WEST 8TH ST APT 3D	NEW YORK, NY 10011
23B-35	425 POTWINE LN	WEBER, RICHARD A SR		277 WEST PELHAM RD	SHUTESBURY, MA 01072
23B-34	435 POTWINE LN	MORSE, JOANNA FAGELMAN & GIDEON S		435 POTWINE LN	AMHERST, MA 01002
23B-30	SOUTH EAST ST	TIETJEN, RICHARD & LOUISE CO-TRUSTEES		69 CROMWELL PLACE	OLD SAYBROOK, CT 06475
23B-24	SOUTH EAST ST	TOWN OF AMHERST CEMETERY COMM		TOWN HALL	AMHERST, MA 01002
23B-27	1230 SOUTH EAST ST	COWLES, ANDREW W	COWLES, JACQUELINE C	1230 SOUTH EAST ST	AMHERST, MA 01002
23B-28	1240 SOUTH EAST ST	SMALLMAN, PATRICIA BETH		1240 SOUTH EAST ST	AMHERST, MA 01002
23B-56	1245 SOUTH EAST ST	RITZ, LORNA J	C/O RITZ, LORNA J LIFE ESTATE	1245 SOUTH EAST ST	AMHERST, MA 01002
23B-42	1280 SOUTH EAST ST	AKIN, THOMAS J & HASTINGS, LISA M		73 CARROLL ST	WEST ROXBURY, MA 02132
23B-71	1281 SOUTH EAST ST	AGRON, ARKADY & INNA		1281 SOUTH EAST ST	AMHERST, MA 01002

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>CityStZip</i>
23B-31	1270 SOUTH EAST ST	BENGELSDORF, CAROLEE		1270 SOUTH EAST ST	AMHERST, MA 01002
23B-32	1277 SOUTH EAST ST	MASSENGILL, MATTHIEU J & JENNIFER S		1277 SOUTH EAST ST	AMHERST, MA 01002
23D-111	1286 SOUTH EAST ST	KWAK, JAMES Y & BRANDT, SYLVIA J		1286 SOUTH EAST ST	Amherst, MA 01002
23D-112	1290 SOUTH EAST ST	POLLIN, ROBERT & SIGRID MILLER		1290 SOUTH EAST ST	AMHERST, MA 01002
23D-109	1295 SOUTH EAST ST	WESTON, THOMAS A & SIDMAN, JESSICA S		1295 SOUTH EAST ST	AMHERST, MA 01002